

Panaji, 25th June, 1992 (Ashada 4, 1914)

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SERIES I No. 13

OFFICIAL GAZETTE



GOVERNMENT OF GOA

GOVERNMENT OF GOA

Department of Personnel

Notification

1/6/83-PER (Vol.II)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution the Governor of Goa hereby makes the following rule so as to amend the Government of Goa Group 'C' Ministerial, Non-Gazetted Common Post (Outside the Secretariat) Recruitment Rules, 1988 issued under notification No. 1/6/83-PER (Vol.II) dated 10-10-1988 and published in the Official Gazette, Series I, No. 33 dated 17-11-1988, namely:—

(1) *Short title and commencement.*—(1) These rules may be called the Government of Goa, Group 'C' Ministerial, Non-Gazetted Common Post (Outside the Secretariat) Recruitment (Second amendment) Rules, 1992.

2. In the Schedule attached to the said Notification for the existing entry namely column no. 6, substitute the following:—

"35 years"

B. For the existing entry in Column no. 7, substitute the following:—

"Intermediate/Sr. Cambridge/Higher Secondary Certificate or equivalent qualification"

C. For the existing entry in Column no. 9, substitute the following:—

"2 years"

(2) They shall deemed to have come into force from 1-1-1991.

By order and in the name of the Governor of Goa.

S. V. Shirodkar, Under Secretary (Personnel).
Panaji 8th June, 1992.

Education Department

Notification

8/6/85-EDN (Part file)

Whereas the General Council of Kala Academy for Goa in its meeting held on 28-10-1991, have resolved and requested the Government to amend some of

the provisions of the Constitution of the Kala Academy for Goa (hereinafter called the 'said Constitution').

Now, therefore, in pursuance of the request made by the General Council of Kala Academy for Goa and in terms of clause 20 of the said Constitution, the Government of Goa hereby amends the provisions of the said Constitution as follows, namely:

In the said Constitution,—

1. In Article 9,—

(a) clause (iii) shall be omitted;

(b) in clause (vii) for the figure '7', the figure '9' shall be substituted;

(c) in clause (viii), the words "Representative of the Central Sangeet Natak Akademy" shall be omitted.

(d) For the words and figures "Term of the General Council will be for three years; Provided that for the first term which will be of one year's duration only, all the members shall be nominated by the Govt. of Goa.", the following words and figures shall be substituted, namely:—

"The term of the General Council will be three calendar years and shall be counted not from any particular date and month of the order of its constitution but from the calendar year in which it comes into existence."

2. Article 12 shall be numbered as clause (a) thereof and after clause (a) so numbered, the following clauses shall be inserted, namely:—

(b) The notice of the meeting shall be issued by the Member Secretary at least 15 days in advance.

(c) The service of the notice shall be considered complete if sent under certificate of posting at the address given by the member and if it is not convenient, to deliver it to him otherwise.

(d) Members who do not attend three consecutive meetings of the General Council without leave of absence shall stand automatically dropped from the General Council."

3. In Article 14, for clause (vi), the following clauses shall be substituted, namely:—

(vi) Not more than 5 members from Rule 9 (v, vi & vii).

vii) Member Secretary shall be ex-officio member of the Board and also function as its Secretary.”.

4. Article 15, the following shall be substituted, namely:—

“15(a) The term of the Executive Board shall be for three calendar years.

b) The notice of the meeting shall be issued by the Member Secretary at least 10 days in advance.

(c) The service of the notice shall be considered complete if sent under certificate of posting at the address given by the member and if it is not convenient to deliver it to him otherwise.”.

5. In Article 16, for clause (h), the following clause shall be substituted, namely:—

“(h) Subject to the approval of the General Council to incur expenditure on the establishment as a whole to create such posts as it may consider necessary for carrying on the work of the Academy and prescribe the terms and conditions of appointment to those posts provided that posts with emoluments exceeding Rs. 2,000/- per month, may be created and filled with the approval of F.A./F.S.”.

6. For Article 22, the following shall be substituted, namely:—

“22. The accounts of the Academy shall be operated jointly by the Drawing and Disbursing Officer and anyone of the following members:

- i. Chairman; or in his absence
- ii. Vice Chairman; or in his absence
- iii. Member Secretary.”.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Under Secretary (Education).

Panaji, 8th June, 1992.

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Department of Labour

Notification

26/6/92-LAB

The following draft amendment which the Government of Goa proposes to make to the Goa, Daman and Diu Factories Rules, 1985, is hereby pre-published as required by section 115 of the Factories Act, 1948, for information of the persons likely to be affected thereby, and notice is hereby given that the said draft amendment will be taken into consideration by the Government of Goa on the expiry of three months from the date of publication of this Notification in the Official Gazette.

Any objections or suggestions to the draft amendment may be forwarded to the Secretary to the Government of Goa, Labour Department, Secretariat, Panaji, before the expiry of three months from the date of publication of this Notification in the Official Gazette.

DRAFT AMENDMENT

In exercise of the powers conferred by section 112 of the Factories Act, 1948 (Central Act, 63 of 1948), and all other powers enabling it in that behalf, the Government of Goa, hereby makes the following rules so as to amend the Goa, Daman and Diu Factories Rules, 1985, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Factories (Fifth Amendment) Rules, 1992.

(2) They shall come into force at once.

2. *Amendment of rule 90C.*— For the Schedule to rule 90C of the Goa, Daman and Diu Factories Rules, 1985 (hereinafter referred to as the Principal Rules), the following Schedule shall be substituted, namely:—

“SCHEDULE

Material Safety Data Sheet

1. Chemical Identity

Chemical Name	Chemical classification
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Synonyms	Trade Name
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Formula	C. A. S. No.	U. N. No:
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Shipping Name Codes/Label	Hazchem No.:
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Regulated identification

Hazardous waste

I. D. No.:

Hazardous Ingredients	C. A. S. No.	Hazardous Ingredients	C. A. S. No.
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1.	3.
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2.	4.
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2. Physical and Chemical Data

Boiling Range/Point	°C	Physical State	Appearance
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Melting/Freezing Point	°C	Vapour pressure at 35°C	Odour mmHg
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Vapour Density Air=1	Solubility in water at 30°C	Others
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Specific Gravity Water=1	pH
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3. Fire and Explosion Hazard Data

Flammability Yes/No	LEL	% Flash Point °C	Autoignition °C
			Temperature

TDG Flammability	UEL	% Flash Point °C
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Explosion Sensitivity to Impact	Explosion Sensitivity to Static Electricity	Hazardous Combustion Products
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Hazardous Polymerisation

Combustible Liquid	Explosive Material	Corrosive Material
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Flammable Material	Oxidiser	Others
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Pyrophoric Material	Organic Peroxide
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4. Reactivity Data

Chemical Stability

Incompatibility with other material

Reactivity

Hazardous Reaction Products

5. Health Hazard Data

Routes of Entry

Effects of Exposure/Symptoms

Emergency Treatment

TLV (ACGIH)	ppm	mg/m ³	STEL	ppm	mg/m ³
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Permissible Exposure Limit	ppm	mg/m ³	Odour Threshold	ppm	mg/m ³
LD50			LD50		

NFPA Hazard signals	Health	Flammability	Stability	Special
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6. Preventive Measures

Personnel Protective Equipment

Handling and Storage Precautions

7. Emergency and First Aid Measure

FIRE	FIRE EXTINGUISHING MEDIA
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FIRE	Special Procedure
	Unusual Hazards

EXPOSURE	First Aid Measures
	Antidotes/Dosages

SPILLS	Steps to be taken
	Waste Disposal Method

8. Additional Information/References

9. Manufacturer/Suppliers, Data

Name of firm Mailing Address Telephone/Telex Nos. Telegraphic Address	Contact person in Emergency
Local Bodies involved	Standard Packing
	Tremcard Details/Ref.
	Other

10. Disclaimer.

Information contained in this material data sheet is believed to be reliable but no representation, guarantee or warranties of any kind are made as to its accuracy, suitability for a particular application or results to be obtained from them. It is upto the manufacturer/seller to ensure that the information contained in the material safety data sheet is relevant to the products manufactured/handled or sold by him as the case may be. The Government makes no warranties expressed or implied in respect of the adequacy of these documents for any particular purpose"

3. Omission of rule 90E — Rule 90E of the Principal Rules shall be omitted.

4. Omission of rule 90F — Rule 90F of the Principal Rules shall be omitted.

5. Omission of rule 90G — Rule 90G of the principal Rules shall be omitted.

6. Amendment of rule 90H — For sub-rule (1) of rule 90H of the Principal Rules, the following shall be substituted, namely:—

"(1) The occupier of every factory carrying on hazardous process shall, furnish in writing to the Chief Inspector, a copy of all the information furnished to the workers"

7. Omission of rule 90I — Rule 90I of the Principal Rules shall be omitted.

8. Omission of rule 90J — Rule 90J of the Principal Rules shall be omitted.

9. Amendment of rule 90K — For sub-rule (1) of rule 90K of the Principal Rules, the following shall be substituted, namely:—

"(1) The information furnished under rule 90D and 90H shall include the quantity of the solid and liquid wastes generated per day, their characteristics and the method of treatment such as incineration of solid wastes, chemical and biological treatment of liquid wastes and arrangements for their final disposal".

10. Amendment of rule 90L — For sub-rule (1) of rule 90L of the Principal Rules, the following shall be substituted, namely:—

"(1) The occupier shall review once in every calendar year and modify, if necessary the informa-

11. Amendment of rule 90M

tion furnished under rules 90D and 90H to the workers and the Chief Inspector".

— For sub-rule (1) of rule 90M of the Principal Rules, the following shall be substituted, namely:—

"(1) The occupier of a factory carrying on hazardous process shall disclose all information needed for protecting safety and health of the workers to—

- (a) his workers; and
- (b) Chief Inspector

as required under rules 90D and 90H. If the occupier is of the opinion that the disclosure of details regarding the process and formulations will adversely affect his business interests, he may make a representation to the Chief Inspector stating the reasons for withholding such information. The Chief Inspector shall give an opportunity to the occupier of being heard and pass an order to the representation. An occupier aggrieved by an order to Chief Inspector may prefer an appeal before the State Government within a period of 30 days. The State Government shall give an opportunity to the occupier of being heard and pass an order. The order of the State Government shall be final".

By order and in the name of the Governor of Goa.

V. G. Manerkar, Under Secretary (Lab).

Panaji, 27th April, 1992.

Law (Legal and Legislative Affairs) Department

Notification

10-2-92/LA

The Indian Succession (Amendment) Act, 1991 (Central Act 51 of 1991) which was passed by Parliament and assented to by the President of India on 9-12-1991 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 10-12-1991, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 11th May, 1992.

The Indian Succession (Amendment) Act, 1991

AN

ACT

further to amend the Indian Succession Act, 1925.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. **Short title.**— This Act may be called the Indian Succession (Amendment) Act, 1991.

2. **Amendment of section 50.**— In the Indian Succession Act, 1925 (hereinafter referred to as the principal Act), in section 50,—

(a) in clause (b), for the words "a widow of any lineal descendant", the words "a widow or widower of any lineal descendant" shall be substituted;

(b) in clause (c),—

(i) for the words "widow of any relative", the words "widow or widower of any relative" shall be substituted;

(ii) for the word "she", at both the places where it occurs, the words "such widow or widower" shall be substituted.

3. **Substitution of new section for sections 51 and 52.**— For sections 51 and 52 of the principal Act, the following section shall be substituted, namely:—

"51. **Division of intestate's property among widow, widower, children and parents.**— (1) Subject to the provisions of sub-section (2), the property of which a Parsi dies intestate shall be divided,—

(a) where such Parsi dies leaving a widow or widower and children, among the widow or widower, and children so that the widow or widower and each child receive equal shares;

(b) where such Parsi dies leaving children, but no widow or widower, among the children in equal shares.

(2) Where a Parsi dies leaving one or both parents in addition to children or widow or widower and children, the property of which such Parsi dies intestate shall be so divided that the parent or each of the parents shall receive a share equal to half the share of each child.".

4. **Substitution of new section for section 54.**— For section 54 of the principal Act, the following section shall be substituted, namely:—

"54. **Division of property where intestate leaves no lineal descendant but leaves a widow or widower or a widow or widower of any lineal descendant.**— Where a Parsi dies without leaving any lineal descendant but leaving a widow or widower or a widow or widower of a lineal descendant, the property of which the intestate dies intestate shall be divided in accordance with the following rules, namely:—

(a) if the intestate leaves a widow or widower but no widow or widower of a lineal descendant, the widow or widower shall take half the said property;

(b) if the intestate leaves a widow or widower and also a widow or widower of any lineal descendant, his widow or her widower shall receive one-third of the said property and the widow or widower of any lineal descendant shall receive another one-third or if there is more than one such widow or widower of lineal descendants, the last mentioned one-third shall be divided equally among them;

(c) if the intestate leaves no widow or widower, but one widow or widower of a lineal descendant,

such widow or widower of the lineal descendant shall receive one-third of the said property or, if the intestate leaves no widow or widower but more than one widow or widower of lineal descendants, two-thirds of the said property shall be divided among such widows or widowers of the lineal descendants in equal shares;

(d) the residue after the division specified in clause (a) or clause (b) or clause (c) has been made shall be distributed among the relatives of the intestate in the order specified in Part I of Schedule II, and the next-of-kin standing first in Part I of that Schedule shall be preferred to those standing second, the second to the third and so on in succession, provided that the property shall be so distributed that each male and female standing in the same degree of propinquity shall receive equal shares;

(e) if there are no relatives entitled to the residue under clause (d), the whole of the residue shall be distributed in proportion to the shares specified among the persons entitled to receive shares under this section.”.

5. *Amendment of section 55.*—In section 55 of the principal Act,—

(a) for the words “a widow of any lineal descendant”, the words “a widow or widower of any lineal descendant” shall be substituted;

(b) for the words “each male shall take double the share of each female standing in the same degree of propinquity”, the words “each male and female standing in the same degree of propinquity shall receive equal shares” shall be substituted.

6. *Amendment of section 118.*—To section 118 of the principal Act, the following proviso shall be added, namely:—

“Provided that nothing in this section shall apply to a Parsi.”.

7. *Substitution of new Schedule for Schedule II.*—For Schedule II of the principal Act, the following Schedule shall be substituted, namely:—

“SCHEDULE II

PART I

(See section 54)

(1) Father and mother.

(2) Brothers and sisters (other than half brothers and sisters) and lineal descendants of such of them as shall have predeceased the intestate.

(3) Paternal and maternal grandparents.

(4) Children of paternal and maternal grandparents and the lineal descendants of such of them as have predeceased the intestate.

(5) Paternal and maternal grandparents' parents.

(6) Paternal and maternal grandparents' children and the lineal descendants of such of them as have predeceased the intestate.

PART II

(See section 55)

(1) Father and mother.

(2) Brothers and sisters (other than half brothers and sisters) and lineal descendants of such of them as shall have predeceased the intestate.

(3) Paternal and maternal grandparents.

(4) Children of paternal and maternal grandparents and the lineal descendants of such of them as have predeceased the intestate.

(5) Paternal and maternal grandparents' parents.

(6) Paternal and maternal grandparents' children and the lineal descendants of such of them as have predeceased the intestate.

(7) Half brothers and sisters and the lineal descendants of such of them as have predeceased the intestate.

(8) Widows of brothers or half brothers and widowers of sisters or half sisters.

(9) Paternal or maternal grandparents' children's widows or widowers.

(10) Widows or widowers of deceased lineal descendants of the intestate who have not married again before the death of the intestate.”.

Notification

7-4-92/LA

The Goa (Brackish Water) Fish Farming Regulation Act, 1991 (Goa Act 9 of 1992) which has been passed by the Legislative Assembly of Goa on 31-3-1992 and assented to by the Governor of Goa on 16-5-1992, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).
Panaji, 24th June, 1992.

The Goa (Brackish Water) Fish Farming Regulation Act, 1991

[Goa Act 9 of 1992] [16-5-1992]

AN

ACT

to regulate and promote scientific fish farming in brackish water land in the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Forty-second Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Goa (Brackish Water) Fish Farming Regulation Act, 1991.

(2) It shall extend to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “Appointed day” means the date of coming into force of this Act;

(b) “brackish water land” means any land inundated with or subject to inundation by salt water and fit for pisciculture;

(c) “licensing authority” means Brackish Water Fish Farmers Development Agency (BFDA) Goa registered under the Societies Registration Act 1860;

(d) “Government” means the Government of the State of Goa;

(e) “prescribed” means prescribed by rules made under this Act;

(f) “Tribunal” means the Administrative Tribunal constituted under the Goa, Daman and Diu Administrative Tribunal Act, 1965 (Act 6 of 1965).

3. *Prohibition of fishing or fish farming.*—Notwithstanding any custom, usage, law or contract to the contrary, no fishing or fish farming activities shall be undertaken or carried on in any brackish water land except in accordance with a licence issued under this Act:

Provided that, if any fishing or fish farming activity is being carried on by any person in any such land on the appointed day, whether by usage or custom or contract, such person shall, within three months from the appointed day, obtain a licence in accordance with the provisions of this Act.

4. *Licence for fishing or fish farming.*—(1) An application for grant of licence under section 3 shall be made to the licensing authority in such form and on payment of such fee as may be prescribed.

(2) On receipt of an application under sub-section (1), the licensing authority shall,—

(a) conduct such inquiry as it deems fit to establish the nature of the right of the applicant over the land and for this purpose, may require the applicant to produce such documents as it deems necessary;

(b) obtain such reports as it deems necessary from the Directorates of Agriculture and Fisheries of the Government;

(c) cause a survey to be made to ensure that no damage is likely to be caused to any residential

house or any other structure or a drinking water source by fish farming activities on the brackish water land.

(3) If, after inquiry, the licensing authority is of the opinion that the applicant should be granted the licence, it shall grant the licence in such form and subject to such conditions as may be prescribed.

(4) If, after inquiry, the licensing authority is of the opinion that the application should be rejected, it shall communicate the grounds for such rejection and also give the applicant an opportunity of being heard, before passing any order.

5. *Penalties.*—Whoever contravenes the provisions of section 3 or any of the conditions subject to which a licence has been granted under section 4, shall, on conviction, be punishable with fine which may extend to one thousand rupees and when the contravention is a continuous one, with a further fine which may extend to five hundred rupees for every day during which such contravention is continued or continues.

6. *Appeal.*—Any person aggrieved by an order made under section 4 may, within such time and in such manner as may be prescribed, appeal to the Tribunal.

7. *Power to make rules.*—(1) The Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the form of application for grant of licence;
- (b) the fee to be paid for grant of licence;
- (c) the form of licence;
- (d) the conditions governing the grant of licence;
- (e) any other matter which is required to be, or may be, prescribed.

B. S. SUBBANNA,
Secretary to the Government of Goa,
Secretariat Annexe, Panaji.
Law Department (Legal Affairs)

Dated: 24th June, 1992.